

**N UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DR. WILLIAM BILL HAYS

PLAINTIFF

v.

No. 4:14-cv-148-GHD-JMV

**WILLIAM N. LAFORGE, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF DELTA STATE UNIVERSITY
AND IN HIS INDIVIDUAL CAPACITY**

DEFENDANT

ORDER DENYING MOTION TO LIFT STAY

Before the court are Plaintiff's Motion to Lift Stay [43] and Defendant's Response [47]. By the motion Plaintiff essentially states the stay entered in this case pursuant to Local Uniform Civil Rule 16(b)(3)(B) upon the filing of Defendant's sovereign immunity defense motion [38] should be lifted because Plaintiff seeks only injunctive relief and costs in this lawsuit. Defendant responds that despite Plaintiff's intent to seek only injunctive relief in this lawsuit, as evidenced by his recent filing of a Notice of Withdrawal of Back Pay Demand [45], it still remains to be decided whether the *Ex parte Young* doctrine avoids an Eleventh Amendment bar to suit. The undersigned finds because this very issue is the subject of Defendant's sovereign immunity defense motion which remains pending before the district judge, lifting the stay would be inappropriate. Accordingly, Plaintiff's motion is denied.

This 6th day of May, 2015.

/s/ Jane M. Virden
U.S. Magistrate Judge